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Paper No. 11

MINTZ LEVIN COHN FERRIS GLOVSKY AND POPEO PC
ONE FOUNTAIN SQUARE
11911 FREEDOM DRIVE, SUITE 400
RESTON VA 20190

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JUN 16 2003

OFFICE OF PETITIONS

In re Application of : James H.
Johnson and John DiDomenico
Application No. 09/840,080
Filed: April 24, 2001
Attorney Docket No. 47382.000123
Title: REMOTE VEHICLE EMISSION
SENSING DEVICE WITH SINGLE
DETECTOR

: DECISION GRANTING STATUS
: ON RENEWED PETITION
: UNDER 37 CFR 1.47(b)

This is in response to the "Second renewed petition under 37 CFR §1.47(b)¹, filed December 17, 2002².

The above-identified application was filed on April 24, 2001, without an executed oath or declaration and identifying James H. Johnson and John Didomenico as joint inventors. On May 10, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted", requiring an executed oath or declaration in compliance with 37 CFR §1.63, and a surcharge for its late filing. This Notice set a two-month period for reply.

On November 13, 2001, the original petition was filed, which was dismissed via a decision mailed on February 21, 2002. On April 22, 2002, the renewed petition was filed, which was dismissed via a decision mailed on August 29, 2002.

1 A grantable petition under 37 CFR 1.47(b) requires:

- (1) The petition fee;
- (2) a surcharge if the petition was not filed at the time of filing of the application;
- (3) a statement of the last known address of each of the non-signing inventors;
- (4) proof that a copy of the application was sent or given to each of the non-signing inventors for review;
- (5) proof that each of the non-signing inventors refused to sign;
- (6) proof that the Rule 47(b) applicant has sufficient proprietary interest in the subject matter to justify the filing of the application;
- (7) proof of irreparable damage, and;
- (8) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116 and 37 CFR 1.63.

2 On June 9, 2003, a supplemental letter was received via facsimile transmittal.

With the Second renewed petition, and the supplemental letter, the procedures set forth meet the requirements of this section of the Code of Federal Regulations, in that the documents submitted establish that a complete copy of the application was sent to the first named non-signing inventor, and he has failed to respond, and that the second named inventor cannot be located. Petitioner has also included a two-month extension of time to make timely this request.

As such, the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(b), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the application will be forwarded to Technology Center 3600 for further processing.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (703) 305-0011.



Paul Shanoski
Attorney
Office of Petitions
United States Patent and Trademark Office



United States Patent and Trademark Office

John DiDomenico
8810 East Bear Paw Place
Tucson, AZ 85749

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DEVICE WITH SINGLE DETECTOR

: LETTER

Dear Mr. DiDomenico:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0011. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Paul Shanoski
Attorney
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